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2 Andrew Cooley, WSBA #15189
3 Keating, Bucklin & McCormack, Inc., P.S.
4 801 Second Ave., Suite 1210
5 Seattle, WA 98104
6 (206) 623-8861

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 GEORGE RAPP, individually,
10 Plaintiff,

11 v.

12 FRANKLIN COUNTY, a municipal
13 corporation; and FRANKLIN
14 COUNTY SHERIFF JIM
15 RAYMOND, in his individual and
16 official capacity,
17 Defendants.

No. 4:19-cv-05150

DEFENDANTS' ANSWER TO
COMPLAINT AND AFFIRMATIVE
DEFENSES

JURY DEMAND

16 Defendants, FRANKLIN COUNTY; AND SHERIFF JIM RAYMOND,
17
18 in answer to PLAINTIFF'S complaint, admit, deny and allege as follows:

19 **I. JURISDICTION AND VENUE**

20 1.1 Defendants deny for lack of knowledge the allegations contained
21 in Paragraph 1.1.

22
23 1.2 Defendants deny the allegations contained in Paragraph 1.2.

24 1.3 Defendants admit Sheriff Raymond is a resident of Franklin
25 County; and further admit Sheriff Raymond has powers vested by statute.
26
27

1 Defendants deny all remaining allegations contained in Paragraph 1.3

2 **II. FACTUAL BASIS**

3 2.1 Defendants admit that Plaintiff was terminated for just cause; and
4 deny all else.
5

6 2.2 Defendants admit that Plaintiff utilized processes available to him
7 under his Collective Bargaining Agreement and State law; and deny all else.
8

9 2.3 Defendants admit that the labor arbitrator never considered the
10 substantive reasons for Plaintiff's termination. Defendants further admit he
11 ordered Plaintiff's returned to work. Defendants deny all remaining
12 allegations contained in Paragraph 2.3.
13

14 2.4 Defendants admit Franklin County (the "County") appealed the
15 arbitrator's decision; and deny all else.
16

17 2.5 Defendants deny the allegations contained in Paragraph 2.5.

18 2.6 Defendants admit Plaintiff was reinstated; and deny all else.

19 2.7 Defendants deny the allegations contained in Paragraph 2.7.

20 2.8 Defendants admit that Plaintiff was returned to work; and deny
21 all else.
22

23 2.9 Defendants admit that Plaintiff was returned to work; and deny
24 all else.
25

26 2.10 Defendants deny the allegations contained in Paragraph 2.10.
27

1 2.11 Defendants admit that Plaintiff was returned to work; and deny
2 all else.

3 2.12 Defendants admit that Plaintiff was returned to work; and deny
4 all else.
5

6 2.13 Defendants admit that Plaintiff's assignment does not require a
7 patrol vehicle; and deny all else.
8

9 2.14 Defendants admit that Plaintiff was returned to work; and deny
10 all else.

11 2.15 Defendants admit that Plaintiff was returned to work; and deny
12 all else.
13

14 2.16 Defendants admit that Plaintiff was returned to work; and deny
15 all else.
16

17 2.17 Defendants admit that Plaintiff was returned to work; and deny
18 all else.

19 2.18 Defendants admit that Plaintiff was returned to work; and deny
20 all else.
21

22 2.19 Defendants admit that Plaintiff was returned to work; and deny
23 all else.
24

25 2.20 Defendants admit that Plaintiff was returned to work; and deny
26 all else.
27

1 2.21 Defendants admit that Plaintiff was returned to work; and deny
2 all else.

3 2.22 Defendants admit that Plaintiff was returned to work; and deny
4 all else.
5

6 2.23 Defendants admit that Plaintiff was returned to work; and deny
7 all else.
8

9 2.24 Defendants admit that Plaintiff was returned to work; and deny
10 all else.

11 2.25 Defendants admit that Plaintiff was returned to work; and deny
12 all else.
13

14 2.26 Defendants admit that Plaintiff was returned to work; and deny
15 all else.
16

17 2.27 Defendants deny for lack of knowledge the allegations contained
18 in Paragraph 2.27.

19 2.28 Defendants admit that Plaintiff was returned to work; and deny
20 all else.
21

22 2.29 Defendants admit that Plaintiff was returned to work; and deny
23 all else.
24

25 2.30 Defendants admit that Plaintiff was returned to work; and deny
26 all else.
27

2.31 Defendants admit that Plaintiff was returned to work; and deny all else.

III. CAUSES OF ACTION

3.1 Defendants deny the allegation contained in Paragraph 3.1.

3.2 Defendants deny the allegation contained in Paragraph 3.2.

3.3 Defendants deny the allegation contained in Paragraph 3.3.

3.4 Defendants deny the allegation contained in Paragraph 3.4.

3.5 Defendants deny the allegation contained in Paragraph 3.5.

IV. AFFIRMATIVE DEFENSES

BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSE, Defendants state and allege as follows:

1. **JURISDICTION:** That the court lacks jurisdiction over the subject matter of this action [or lacks that jurisdiction over the subject matter the court lacks jurisdiction over the person of the Defendants.]

2. **CLAIM FILING:** That the Plaintiff has failed to file a claim against the County as required by state law or that the claim filed is insufficient.

3. **INTENTIONAL CONDUCT, INTOXICATION, COMPARATIVE FAULT:** That the injuries and damages, if any, claimed by the Plaintiff were proximately caused or contributed to by the fault.

1 DATED this 8th day of July, 2019.

2 KEATING, BUCKLIN & McCORMACK, INC., P.S.

3
4 By: /s/ Andrew Cooley
5 Andrew Cooley, WSBA #15189
6 Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiff

Andrea J. Clare, WSBA #37889
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DATED this 8th day of July, 2019.

/s/ Tia Uy

Tia Uy, Legal Assistant